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SIPDIS

HARARE FOR BRUCE WHARTON

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SUBJECT: NATIONAL ELECTIONS CONVOKED FOR NOVEMBER 9

1. The Supreme Electoral Tribunal (TSE) officially announced on May 15 the convocation of elections for President, all 158 seats in Guatemala's unicameral Congress and mayors and city council members to take place on November 9, 2003. If no candidate for President receives more than 50% of the vote, a second round of elections (only for President) will be held on December 28. The convocation by the TSE officially begins the electoral campaign, though "unofficial" campaigning has been going on for several months. Parties can now officially register their candidates, and it is expected that the major parties will name their candidates within the next few weeks.

The ruling Frente Republicano Guatemalteco (FRG) is scheduled to hold its national assembly on May 24, at which it will nominate its candidate. The GANA coalition is backing the presidential candidacy of Oscar Berger, but is still considering its slate for legislators and local government positions. The left-of-center UNE (which garnered 20% of the vote in the 1999 elections) will again register Alvaro Colom as its candidate, and the small Democracia Cristiana (DC) is supporting Ricardo Bueso for President. The Partido de Avanzada Nacional (PAN) recently split and has not yet identified a presidential candidate.

2. A legal controversy over the make-up of the TSE remains unresolved. When the current members of the TSE were sworn-in in 2002, one of the permanent members did not accept the position. He was replaced by an alternate, but Congress failed to elect a new permanent member as some contend the law demands. On May 14 the Constitutional Court instructed Congress to elect a permanent member by May 15. A vote was held in Congress on possible replacements, but none of the candidates received the required two thirds majority. Representatives of three of the major political parties told reporters that they do not believe this impasse should have any bearing on the legitimacy of the elections, but constitutional lawyers argue that the current composition of the TSE exposes the entire electoral process to future litigation and possibly annulment by the Constitutional Court. Congress will hold a special session in July to try once again to replace the missing permanent member of the TSE.

3. Comment: The opening of the electoral race will distract the government, the political parties and many elements of civil society from other urgent tasks of governing and legislating during the next few months. Polls have not been published since the recent break-up of the PAN, and it is not clear which potential candidates have the best chance of making it into the second round. The biggest unknown remains the question of whether Rios Montt will be named the candidate of the FRG, and how the courts would deal with his candidacy. There is a growing move among some of the opposition parties to unite in order to better confront the FRG. Should former General Rios Montt decide to run, it is expected that the momentum to unite the opposition will grow.

HAMILTON